IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5517 OF 2005

Dinesh R. Ohri ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri S.V.Marwadi i/by Shri Vaibhav G. Bagade for the Applicant.
Ms M.H.Mhatre, A.P.P. for the State.
Shri V.M. Talreja for the Complainant.

CORAM : A. S. OKA, J.
DATE : OCTOBER 14, 2005.

P.C.:

1. This Application was kept pending as by appointing a mediator an effort was made for bringing about an amicable settlement between the Applicant and the original complainant. It appears that inspite of efforts made by the Advocates appearing for the parties and the learned Mediator, the parties cannot arrive at settlement and therefore, on last date the Application was taken up for hearing.

2. This is an Application for Anticipatory Bail filed by the Applicant where offence alleged against him is under section 406, 498-A, 420 read with section 34 of the Indian Penal Code. While granting ad-interim relief on 25th August, 2005 this Court has directed the Applicant to comply with the conditions incorporated in clause No.(i) to (iii) of sub section 2 of section 438 of the Code of Criminal Procedure,

1973. The learned A.P.P. on instructions of the Investigating Officer states that the Applicant has co-operated for investigation and now the investigation has been completed.

3. In July 2004 the parties filed a Petition for seeking divorce by mutual consent under section 13(1)(b) of the Hindu Marriage Act, 1955. Later on, the said Petition was allowed to be withdrawn at the instance of the complainant. Considering the facts and circumstances of the case and the correspondence which is annexed, it is obvious that after completion of investigation, custody of the Applicant is not required. Hence, a case is made out for granting Anticipatory Bail.

4. Hence, I pass the following order:

: O R D E R :

i) In the event of the arrest of the Applicant in connection with C.R.No.328 of 2005 registered with D.N. Nagar Police Station, Andheri, Mumbai, the Applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.10,000/- with one or two local sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicant will attend the concerned Police Station once in a week till the filing of chargesheet.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/Investigating Agency. The Applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the Applicant only till chargesheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE